

**MINUTES
STATE TRANSPORTATION BOARD**

**DEPARTMENT OF TRANSPORTATION
#2 Capitol Square
Atlanta, Georgia 30334**

October 18, 2007

10:00 a.m.

BOARD MEMBERS IN ATTENDANCE:

Mike Evans, Chairman
Garland Pinholster, Vice Chairman
Roy Herrington
Billy Langdale
Sam Wellborn
Robert L. Brown, Jr.
Emory McClinton
Rudy Bowen
Larry Walker
Bill Kuhlke, Jr.
David Doss
Raybon Anderson
Dana Lemon

BOARD MEMBERS ABSENT:

DOT STAFF IN ATTENDANCE:

Commissioner Harold Linnenkohl
Buddy Gratton, Deputy Commissioner
Elizabeth Osmon
Earl Mahfuz
Greg Mayo
Mike Thomas
Karlene Barron
Todd Long
Gerald Ross
Sandra Burgess
Michael Cooper
Steve Henry

OFFICE OF THE ATTORNEY GENERAL:

Mary Jo Volkert

Chairman Mike Evans opened the meeting at 10:00 a.m.

Billy Langdale gave the invocation.

Billy Langdale led the Board in the Pledge of Allegiance.

Chairman Evans asked for a motion to approve the minutes from the September 2007 meetings. Dana Lemon made a motion to approve the minutes from the September 2007 meetings, seconded by Bill Kuhlke and unanimously approved.*

Gerald Ross, Chief Engineer, requested approval of the projects proposed for the November 2007 Letting. Chairman Evans asked for a motion to approve. Roy Herrington made a motion to approve the projects proposed for the November 2007 Letting, seconded by Dana Lemon and unanimously approved.*

Mike Thomas, Director of Planning, Data & Intermodal Development, requested approval of the revisions proposed for the Construction Work Program for October 2007. Chairman Evans asked for a motion to approve. Dana Lemon made a motion to approve the revisions proposed for the Construction Work Program for August 2007, seconded by Roy Herrington and unanimously approved.*

Earl Mahfuz, Treasurer, requested approval of the following General Obligation Bonds Resolution. Bill Kuhlke made a motion to approve the following General Obligation Bonds Resolution, seconded by Emory McClinton and unanimously approved.

Resolution

WHEREAS, under the authority of the laws of the State of Georgia, the Georgia Department of Transportation (hereinafter, the "Department") is charged with the responsibility of planning, designing, improving, managing, controlling, constructing, and maintaining a state highway system, and has control of and responsibility for all construction, maintenance, or any other work upon the state highway system; and

WHEREAS FURTHER, under the laws of the State of Georgia, the State Transportation Board (hereinafter, the "Board") is charged with the general control and supervision of the Department including, but not limited to, the approval of all long-range plans and programs of the Department; and

WHEREAS FURTHER, under the authority of the laws of the State of Georgia, the Department is a state agency authorized to receive and have control and supervision of all funds appropriated for public roadwork by the State and activities incident thereto; and

WHEREAS FURTHER, pursuant to paragraphs I through III of section IV of article VII of the Constitution of the State of Georgia, Ga. Const. art. VII, sec. IV, par. I through III, the General

Appropriations Act for fiscal year 2006-2007 (Act No. 950, 2006 Regular Session, H.B. 1027) was enacted by the General Assembly and signed by the Governor on May 8, 2006, so as to make the following appropriation to the General Obligation Debt Sinking Fund:

[Bond #96] From the appropriation designated "State General Funds (New)", \$478,408 is specifically appropriated for the purpose of financing projects and facilities for the Department of Transportation by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$5,600,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

WHEREAS FURTHER, pursuant to paragraphs I through III of section IV of article VII of the Constitution of the State of Georgia, Ga. Const. art. VII, sec. IV, par. I through III, the General Appropriations Act for fiscal year 2005-2006 (Act No. 396, H.B. 85) was enacted by the General Assembly and signed by the Governor on May 10, 2005, as re-enacted by Act No. 949, H.B. 1026 of the 2006 Regular Session of the General Assembly and signed by the Governor on May 8, 2006, so as to make the following appropriation to the General Obligation Debt Sinking Fund:

From the appropriation designated "State General Funds (New)", \$7,039,200 is specifically appropriated for the purpose of financing projects and facilities for the Transportation, Department of by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$83,800,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months. BOND # 45. 422.8

WHEREAS FURTHER, the Georgia Constitution and the Georgia State Financing and Investment Commission Act provide that general obligation debt can only be issued for the benefit of the State, its departments, agencies, and institutions, and those state authorities created and activated prior to November 8, 1960, Ga. Const., art. VII, sec. IV, par. I(c); O.C.G.A. § 50-17-24(b) (3); and

WHEREAS FURTHER, the Department was created as a department in the state government of Georgia by section 32-2-1 of the Official Code of Georgia Annotated, O.C.G.A. §32-2-1; and

WHEREAS FURTHER, the Board finds an immediate need for,

- \$3,050,000 of the remaining \$4,100,000 unissued amount of the aggregate principal amount of \$5,600,000 of State of Georgia General Obligation Bonds authorized in the second appropriation set forth above; and
- \$60,000,000 of the remaining \$60,000,000 unissued amount of the aggregate principal amount of \$83,800,000 of State of Georgia General Obligation Bonds authorized in the third appropriation set forth above,

for the projects and facilities referenced in the appropriations set forth above; and

WHEREAS FURTHER, the Board desires to request the issuance of State of Georgia General Obligation Bonds in the aggregate principal amount of \$63,050,000 for all or some the projects and facilities referenced in the appropriations set forth above, hereinafter collectively referred to as the "Projects"; and

WHEREAS FURTHER, the Board is aware of the provisions and requirements of the Internal Revenue Code of 1986, as amended (the "Tax Code") and the regulations issued thereunder respecting arbitrage bonds, and private activity bonds, and is aware that the Projects must proceed with due diligence and be timely completed following receipt of the proceeds derived from the sale of General Obligation Bonds,

NOW, THEREFORE, BE IT RESOLVED BY THE STATE TRANSPORTATION BOARD:
SECTION 1.

That the Board hereby approves and authorizes the Projects.

SECTION 2.

That the Board hereby recommends to the Georgia State Financing and Investment Commission that it undertake to issue \$63,050,000 in aggregate principal amount of general obligation debt, the instruments of which shall have maturities not in excess of two hundred and forty (240) months, for the purpose of financing said Projects.

SECTION 3.

That the Board hereby determines that the final plans for the Projects are sufficiently complete such that substantial binding obligations to a third party or parties, involving the expenditure of at least five percent (5%) of the proceeds of the bonds (as defined in the regulations issued under the Tax Code), to commence or acquire the Projects will be incurred within six (6) months after the issuance of the bonds, that eighty-five percent (85%) of the spendable proceeds of the bonds will be expended within three (3) years after the issuance of the bonds, and that the original proceeds of the bonds herein requested and anticipated investment proceeds (net of interest on the bonds during the estimated period of construction) will not exceed the amount necessary for financing the Projects.

The Board further determines that, during the time the bonds are outstanding, it will not take or omit to take any action which would cause the bonds to be arbitrage bonds under the Tax Code, and it will not use the proceeds of the bonds or the facilities financed with the bonds for any non-governmental purpose or any purpose that would give rise to private business use as defined by the Tax Code. The Board further determines that the term of the bonds will not be longer than 120% of the reasonably expected economic life of the projects financed.

The Board further determines that no proceeds of the bonds will be used for reimbursement of any Project expenditures which were made before the anticipated delivery date of the bonds, except in situations where prior to such expenditure the Board obtains a Declaration of Intent from the Georgia State Financing and Investment Commission or is otherwise advised in writing by the Commission that such reimbursement will be permitted, it being the intention of the Board to comply in all respects with Section 1.150-2 of the Regulations under the Tax Code.

The Board further determines that none of the expenditures of proceeds of the bonds for the Projects will constitute working capital expenditures (as defined in the regulations issued under the Tax Code).

SECTION 4.

That the Board hereby approves, authorizes, and directs the Commissioner of the Department of Transportation to communicate a request to the Georgia State Financing and Investment Commission that said Commission issue general obligation debt for the purpose of financing the Projects, as described in Section 2 above.

SECTION 5.

That the Commissioner of the Department of Transportation and the Secretary of this Board are hereby authorized and directed to execute any instruments and take whatever action which may be necessary in connection with the issuance of general obligation bonds by the Georgia State Financing and Investment Commission, including, but not limited to, the preparation and execution of answers in connection with any legal proceeding as to the validity of any action by the Board for the bonds issued by the Georgia State Financing and Investment Commission. The Attorney General or any Assistant

Attorneys General of the State of Georgia are authorized to execute Acknowledgment of Service and Waiver of Process in such legal proceedings.

This Resolution is hereby approved this 18th day of October, 2007.

Commissioner Linnenkohl introduced Tom Leslie and Dan Scosky to present the Grand National Qualification Based Selection Award to the Commissioner for the Department of Transportation for delivering quality projects.

Commissioner Linnenkohl gave his monthly report, which included the state fund collections; total employment figure for September 30, 2007; and major projects open to traffic.*

Commissioner Linnenkohl also requested that the Board approve the following Scenic Byway Resolution. Raybon Anderson made a motion to approve the following Scenic Byway Resolution, seconded by Roy Herrington and unanimously approved.

Resolution

Whereas, the Warren County Chamber of Commerce and Hometown Warrenton applied for Georgia Scenic Byway designation for a 15-mile route traversing a State a road in Warren County; and

Whereas, this route possesses five Scenic Byway intrinsic qualities – scenic, natural, historic, cultural, and recreational; and

Whereas, the Warren County Scenic Byway Committee has worked with the citizens, organizations and local governments in the proposed byway area to develop a route and prepare a Corridor Management Plan; and

Whereas, the Warren County Scenic Byway Committee has involved the Georgia Scenic Byways Program and Georgia Department of Transportation staff in the development of the route, application, and Corridor Management Plan; and

Whereas, the locally-approved Corridor Management Plan incorporates or identifies appropriate strategies, goals, priorities, objectives, schedules, programs, and agreements to protect and enhance the Scenic Byway features; and

Whereas, Section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)

established a Scenic Byways Program under Title 23, United States Code, and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) continues the program under Sections 1101(a)(12) and 1802; and

Whereas, the Georgia Department of Transportation is the designated Scenic Byway Agency for the State of Georgia.

Now, therefore, be it resolved that the 15-mile route that begins at the Hancock County line at Jewell and continues east on SR 16 to the City of Warrenton, and which serves as a continuation of the previously designated Historic Piedmont Scenic Byway; be designated as a Georgia Scenic Byway, and hereafter be known as the "Warren County-Piedmont Scenic Byway Extension".

Be it further resolved that a copy of this resolution be included in the minutes of this meeting and the Commissioner of Transportation be instructed to install appropriate signs designating this facility.

Adopted this the 18th day of October 2007.

Commissioner Linnenkohl also requested the Board approve the following Scenic Byway Resolution. Sam Wellborn made a motion to approve the following Scenic Byway Resolution, seconded by Robert Brown and unanimously approved.

Resolution

Whereas, the Keep Columbus Beautiful Commission applied for Georgia Scenic Byway designation for a 39-mile route traversing an Interstate road in Troup, Harris, and Muscogee Counties; and

Whereas, this route possesses one Scenic Byway intrinsic quality – scenic; and

Whereas, the Keep Columbus Beautiful Commission, with the assistance of The Jaeger Company consulting firm, has worked with the citizens, organizations and local governments in the proposed byway area to develop a route and prepare a Corridor Management Plan; and

Whereas, the Keep Columbus Beautiful Commission has involved the Georgia Scenic Byways Program and Georgia Department of Transportation staff in the development of the route, application, and Corridor Management Plan; and

Whereas, the locally-approved Corridor Management Plan incorporates or identifies appropriate strategies, goals, priorities, objectives, schedules, programs, and agreements to protect and enhance the Scenic Byway features; and

Whereas, Section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) established a Scenic Byways Program under Title 23, United States Code, and the Safe, Accountable,

Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) continues the program under Sections 1101(a)(12) and 1802; and

Whereas, the Georgia Department of Transportation is the designated Scenic Byway Agency for the State of Georgia.

Now, therefore, be it resolved that the 39-mile route that traverses I-185 from I-85 to Exit 12 (Williams Road) be designated as a Georgia Scenic Byway, and hereafter be known as the "I-185 Scenic Byway".

Be it further resolved that a copy of this resolution be included in the minutes of this meeting and the Commissioner of Transportation be instructed to install appropriate signs designating this facility.

Adopted this the 18th day of October 2007.

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Commissioner Linnenkohl requested approval of the following Comprehensive Zoning Resolution. Dana Lemon made a motion to approve the following Comprehensive Zoning Resolution, seconded by Roy Herrington and unanimously approved.

Resolution

WHEREAS, the State Transportation Board did, in regular session on November 18, 1971, adopted a policy on outdoor advertising an

WHEREAS, said policy adopted by the State Transportation Board contained a Schedule "A" pertaining to cities and counties in Georgia which maintained comprehensive zoning plans; and

WHEREAS, the State Transportation Board has directed its staff to make necessary recommendations in order that Schedule "A" of the said Outdoor Advertising Policy may be kept current with current changing conditions in cities and counties regarding comprehensive zoning plans; and

WHEREAS, the State Transportation Board did, in regular session on December 18, 1975, adopt a Resolution which said the Board would review all comprehensive zoning plans submitted for initial approval or for renewal approval, to ascertain and determine if said zoning plans can be certified for purposes of outdoor advertising consistent with State/Federal Law or the Federal/State Agreement; and

WHEREAS, the Department of Transportation has determined that the following recommendation is appropriate regarding comprehensive zoning plans:

<u>CITY/COUNTY</u>	<u>COMPREHENSIVE ZONING/ SIGN ORDINANCE</u>	<u>RECOMMENDATIONS</u>
Dooly County	Comprehensive Zoning Plan	Remove for Schedule A

NOW THEREFORE, be resolved that the State Transportation Board, in regular session this date, does hereby amend Schedule "A" of the Department of Transportation Outdoor Advertising Policy by including the above named recommendations.

Resolved this 18th day of October, 2007.

Commissioner Linnenkohl requested approval of the following Comprehensive Zoning Resolution. Dana Lemon made a motion to approved the following Comprehensive Zoning Resolution, seconded by Bill Kuhlke and unanimously approved.

Resolution

WHEREAS, the State Transportation Board did, in regular session on November 18, 1971, adopted a policy on outdoor advertising an

WHEREAS, said policy adopted by the State Transportation Board contained a Schedule "A" pertaining to cities and counties in Georgia which maintained comprehensive zoning plans; and

WHEREAS, the State Transportation Board has directed its staff to make necessary recommendations in order that Schedule "A" of the said Outdoor Advertising Policy may be kept current with current changing conditions in cities and counties regarding comprehensive zoning plans; and

WHEREAS, the State Transportation Board did, in regular session on December 18, 1975, adopt a Resolution which said the Board would review all comprehensive zoning plans submitted for initial approval or for renewal approval, to ascertain and determine if said zoning plans can be certified for purposes of outdoor advertising consistent with State/Federal Law or the Federal/State Agreement; and

WHEREAS, the Department of Transportation has determined that the following recommendation is appropriate regarding comprehensive zoning plans:

<u>CITY/COUNTY</u>	<u>COMPREHENSIVE ZONING/ SIGN ORDINANCE</u>	<u>RECOMMENDATIONS</u>
Paulding County	Amend Comprehensive Zoning	Approval
Cherokee County	Amend Comprehensive Zoning	Approval
Bartow County	Amend Comprehensive Zoning	Approval
Bartow County	Amend Comprehensive Zoning	Approval

NOW THEREFORE, be resolved that the State Transportation Board, in regular session this date, does hereby amend Schedule "A" of the Department of Transportation Outdoor Advertising Policy by including the above named recommendations.

Resolved this 18th day of October, 2007.

Dana Lemon made a motion to adopt the following resolution for approval, seconded by Sam Wellborn and unanimously approved.

Resolution

Whereas, Wayne Shackelford is a native of Carroll County where he attended public schools; and

Whereas, Wayne Shackelford earned a Bachelor of Science degree in Agriculture from Berry College, followed by graduate work at the University of Georgia; and

Whereas, upon completing military service with the U.S. Army, he joined Georgia's Cooperative Extension Service, serving as Assistant County Agent in Haralson County; and

Whereas, he joined the Gwinnett County Cooperative Extension Service in 1960 and was named the Extension Agent in 1963, serving in that position through 1973; and

Whereas, he was then appointed Executive Assistant to the Gwinnett County Commission, serving ably and professionally in that position until 1984 when he entered the private sector of real estate development and consulting; and

Whereas, in 1991 he was named by the State Transportation Board as the Commissioner of the Georgia Department of Transportation; and

Whereas, during his nine-year tenure, Wayne Shackelford was active in regional and national transportation policy development, serving as President of the Southeastern Association of State Highway and Transportation Officials (SASHTO) and President of the American Association State Highway and Transportation Officials (AASHTO); and

Whereas, he served as Chair of the Board of the Intelligent Transportation Society of America (ITSA) and led the Department to successful completion of an ambitious program to ready the state's transportation infrastructure for the 1996 Centennial Olympics; and

Whereas, Wayne Shackelford has earned many national honors, as has the Department under his leadership, and his professionalism and expertise has benefitted all Georgians with an improved transportation system; and

Whereas, Wayne Shackelford has been involved throughout his professional and private life with civic, business and community organizations, selflessly giving of his time to make his community, state and nation better places.

Now, therefore, be it resolved that the State Transportation Board recognizes Wayne Shackelford for his outstanding contributions and service in meeting the transportation needs of the people of Georgia and urges the Georgia General Assembly to designate the interchange of Interstate 85 and Georgia Highway 316 as the Wayne Shackelford Interchange in honor of the man who led the Department into the 21st Century.

Be it further resolved that a copy of this resolution be spread upon the minutes of this meeting and a suitable copy be presented to Wayne Shackelford in recognition of his devoted and commendable service to the Georgia Department of Transportation and to the people of the State of Georgia.

Adopted this the 18th day of October, 2007.

Chairman Evans requested that each Committee Chair give a report from their committee meetings.

Raybon Anderson gave a report from the Port Task Force Committee. He stated that Port Task Force Committee did not meet, but the selection team, which consists of the Georgia Ports Authority representatives and GDOT staff, selected Parsons Transportation as the consultant to develop the concept and complete the environmental document for the ports project. He also stated the representatives from the Georgia Ports Authority are working on developing the work scope and when the work scope is complete the Georgia Ports Authority representatives will send the work scope to GDOT for comments before signing the contract to make sure the work scope is Public/Private suitable. Raybon Anderson also stated that once DOT has reviewed the final scope, Georgia Ports Authority will present the work scope to Parsons for final cost negotiations and have Parsons under contract within a few weeks.

Dana Lemon gave a report from the Program Delivery Committee. She stated that Sandra Burgess, Director of Legal Affairs and Jeff Baker, State Utilities Engineer, gave a presentation on Senate Bill 19 regarding the Mediation Rule for utilities, which included the overview of mediation rule and rule making process. Dana Lemon also made a motion to open the rule making process for Senate Bill 19 Mediation Rule for utilities, seconded by Sam Wellborn and unanimously approved.*

Under New Business, Garland Pinholster made a motion to hire Gena Abrahams as the new Commissioner for the Department of Transportation by acclamation, seconded by Raybon Anderson and unanimously approved.

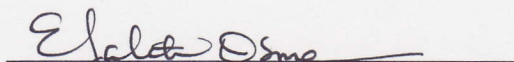
Larry Walker made a motion for the Commissioner Elect, Gena Abrahams, to start transition work with the Department on November 1, 2007, and start officially on December 1, 2007, serving at the pleasure of the Transportation Board at a salary of \$175,000 annually, seconded by Sam Wellborn and unanimously approved.

There being no further business, Chairman Evans asked for a motion to adjourn. Raybon Anderson made a motion to adjourn, seconded by Billy Langdale and unanimously approved.

Approved:


Mike Evans, Chairman

Respectfully submitted:


Elizabeth Osmon, Board Secretary

*Denotes Documentation in File.